

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES COLE,

Plaintiff,
v.
**05cv1476
ELECTRONICALLY FILED**

WILLIAM MISTICK, ET AL.,

Defendants.

Order of Court

And now, this 22nd day of September, 2009, for the reasons set forth in the accompanying Memorandum Opinion, IT IS HEREBY ORDERED that:

- (1) Defendant's motion for summary judgment as to the conspiracy and deliberate indifference claims (doc. no. 171) is GRANTED.
- (2) The Court declines to exercise supplemental jurisdiction over the remaining state law negligence claim, and will dismiss said claim without prejudice to be re-filed in state court pursuant to 42 Pa.C.S. § 5103(b).
- (3) The Court will deny defendant's motion to strike (doc. no. 170) as moot.
- (4) The clerk shall mark the docket closed.

SO ORDERED this 22nd day of September, 2009.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All counsel of record

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